

1 MICHAEL W. BIEN – 096891
2 ERNEST GALVAN – 196065
3 KARA J. JANSSEN – 274762
4 GINGER JACKSON-GLEICH – 324454
5 ROSEN BIEN
6 GALVAN & GRUNFELD LLP
7 101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
Telephone: (415) 433-6830
Email: mbien@rbgg.com
egalvan@rbgg.com
kjanssen@rbgg.com
gjackson-gleich@rbgg.com

OREN NIMNI*
Mass. Bar No. 691821
AMARIS MONTES*
Md. Bar No. 2112150205
D DANGARAN*
Mass. Bar No. 708195
RIGHTS BEHIND BARS
416 Florida Avenue N.W. #26152
Washington, D.C. 20001-0506
Telephone: (202) 455-4399
Email: oren@rightsbehindbars.org
amaris@rightsbehindbars.org
d@rightsbehindbars.org

8 SUSAN M. BEATY – 324048
9 CALIFORNIA COLLABORATIVE FOR
IMMIGRANT JUSTICE
10 1999 Harrison Street, Suite 1800
Oakland, California 94612-4700
Telephone: (510) 679-3674
Email: susan@ccijustice.org

**Pro hac vice* applications pending

12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

15 CALIFORNIA COALITION FOR WOMEN
PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
16 G.M.; A.S.; and L.T., individuals on behalf of
themselves and all others similarly situated,
17 Plaintiffs,

18 v.

19 UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS, a governmental entity;
20 BUREAU OF PRISONS DIRECTOR COLETTE
PETERS, in her official capacity; FCI DUBLIN
WARDEN THAHESHA JUSINO, in her official
capacity; OFFICER BELLHOUSE, in his
individual capacity; OFFICER GACAD, in his
individual capacity; OFFICER JONES, in his
individual capacity; LIEUTENANT JONES, in
her individual capacity; OFFICER LEWIS, in his
individual capacity; OFFICER NUNLEY, in his
individual capacity, OFFICER POOL, in his
individual capacity, LIEUTENANT PUTNAM, in
his individual capacity; OFFICER SERRANO, in
his individual capacity; OFFICER SHIRLEY, in
his individual capacity; OFFICER SMITH, in his
individual capacity; and OFFICER VASQUEZ, in
her individual capacity,

28 Defendants.

Case No. 4:23-cv-4155

DECLARATION OF C [REDACTED]
F [REDACTED] B [REDACTED] IN SUPPORT
OF PLAINTIFFS' MOTIONS FOR
PRELIMINARY INJUNCTION
AND PROVISIONAL CLASS
CERTIFICATION

1 I, C [REDACTED] F [REDACTED] B [REDACTED], declare:

2 1. I have personal knowledge of the facts set forth herein, and if called as a
3 witness, I could and would competently so testify. I make this declaration in support of
4 Plaintiffs' Motions for Preliminary Injunction and Provisional Class Certification.

5 2. I have been incarcerated at FCI Dublin since January 2016. In the past I was
6 incarcerated by the Bureau of Prisons (BOP) at Carswell and Tallahassee. In the future
7 BOP may transfer me to other BOP facilities but at any point I could be transferred back to
8 FCI Dublin.

9 3. FCI Dublin's inadequate systems for preventing, detecting, and responding
10 to sexual abuse have caused actual harm to myself and others incarcerated at FCI Dublin
11 and put myself and other incarcerated persons at substantial, imminent risk of serious harm
12 from sexual assault, harassment, and retaliation from staff.

13 4. I have worked in Food Service on and off since August 2016. There, I
14 worked as a clerk, and I experienced and witnessed a significant amount of sexual abuse
15 and harassment. In light of this abuse, I left my position for some time in February 2022, I
16 told my counselor I couldn't go back. I just returned this past April.

17 5. Officer O'Connor would sexually harass me and others in Food Service until
18 he was placed on administrative leave in Fall 2021. On one occasion, Officer O'Connor
19 asked me to cook him an omelet. He grabbed a cucumber and asked if I wanted to "take it
20 back to the unit." I said, I don't know what you mean. He said, "you know, well you've
21 been locked up for so long it may be a little big for you." I was aware that O'Connor had
22 been reported for sexual harassment twice before and nothing happened, so I did not report
23 because I did not think anyone would do anything.

24 6. In August or September 2021, I saw Officer Jones receiving oral sex from a
25 woman who I knew to be his girlfriend in the warehouse, during the evening shift, between
26 12:30-6:30pm. I was in the back office doing paperwork at that time. This woman knew
27 that I saw them. She had her friends threaten me against reporting anything. Since that
28 time, those women have transferred.

1 7. I also witnessed sexual abuse by Officer Smith on the housing units. He
 2 formerly was a counselor, but he was demoted due to allegations of sexual misconduct and
 3 became an officer. I worked with his wife in Food Service while that demotion was
 4 ongoing, so I knew the details. She told me that FCI Dublin had screwed up the
 5 investigation, and that the union protected him. She later transferred to work in a different
 6 BOP facility.

7 8. Officer Smith was well known for his sexual misconduct. He would wear a
 8 cowboy hat and boots. After they demoted him instead of firing him, he would explain
 9 that he was “untouchable.” He acted with impunity. He would bring gifts for his
 10 girlfriends from the outside. In September or October 2019, I also observed Officer Smith
 11 go into a cell and watch two women have sex on C-Unit. After the incident, one of the
 12 women told me that he said he wouldn’t write them up for having a sexual relationship if
 13 they let him watch. She was extremely scared of him.

14 9. When I arrived at FCI Dublin in 2016, I was not provided adequate training
 15 and information about how to respond to sexual abuse. I do not remember receiving any
 16 training at all.

17 10. There is no effective way to confidentially report sexual assault and abuse by
 18 staff at FCI Dublin. Staff at FCI Dublin prevent people from reporting sexual assault and
 19 abuse by staff and retaliate against people who do report. For example, I knew that after a
 20 woman reported O’Connor for making comments about her breasts, she lost her RDAP
 21 status. He had power over SIS. The reporting system was part of the problem. In
 22 addition, there is a general culture of retaliation. I only reported what I experienced and
 23 witnessed to SIS and FBI in March 2023. It is very difficult to use the administrative
 24 remedy process to report as well – they often do not have the BP-9, BP-10, or BP-11s. It is
 25 so bad that I’ve started stockpiling them. Staff will ask you something like “what is this in
 26 regards to?” when you ask for a form and give you a hard time about it to get people not to
 27 report things.

28 11. When incarcerated persons report sexual abuse by staff, FCI Dublin and

1 BOP do not seriously investigate the reports. Investigations are frequently delayed and
2 overseen by staff who know and work with the offending staff member. Generally nothing
3 happens as a result. Officer Smith and Officer O'Connor are good examples of repeat
4 offenders who were allowed to keep their positions despite repeated reports. While Officer
5 O'Connor and Jones were on administrative leave, BOP was still accepting "bids" from
6 them and other kitchen staff members who have been walked off pending investigations—
7 including Officer St. Clair and Officer Kinlaw. My understanding is that Officer
8 O'Connor was recently allowed to medically retire with full benefits.

9 12. There is little to no confidential mental health care available to survivors of
10 sexual abuse and assault at FCI Dublin. I attempted suicide in March 2021. After that
11 occurred, I was provided monthly check ins with a psychiatrist. But in the past few weeks,
12 I've been dropped. I am asking for help, but I should not have to be scared.

13 13. There is little to no medical care available to survivors of sexual abuse and
14 assault at FCI Dublin. In November or December 2022, my medication was taken away,
15 and they tried to take away my heart medication. Our medical records are all screwed up.
16 I put in a call out with no response.

17 14. The camera system at FCI Dublin is inadequate. Just in the past few weeks,
18 I've just noticed cameras popping up all over Food Service where they were not before
19 which allowed all this abuse to happen, like in the warehouse. However, there are still no
20 cameras in the staff offices or in the refrigerator or freezer where abuse previously
21 occurred. Even if there are cameras, it is not clear that anyone is watching the footage.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct to the best of my knowledge, and that this declaration
3 is executed at FCI Dublin, California this 29 day of June, 2023.
4
5
6

C [REDACTED] F [REDACTED] R [REDACTED]

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28